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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AU

# Office Action Summary

Application No.

09/703,608

Applicant(s)

JUN, SUNG BAE

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This communication is responsive to Amendment A, Filed 06/18/03.

Claims 1-25 are pending in this application. In the Amendment A, claims 19-25 were added. This action is made Final.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 19 recites the broad recitation "the slider bar is positioned at another location of the second window", and the claim also recites "the slider bar is positioned at the right side of the second window" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 20-21, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ubillos (U.S. Pat. No. 5,999,173).

Per claim 1, Ubillos teaches a multi-level position/range designating method for a multimedia stream comprising:

(a) displaying an entire range of a multimedia stream (figs 2-3 and 5; col. 6, lines 63-67; col. 7, lines 1-11); and

(b) setting a range designated by a user from the displayed entire range of the multimedia stream as an absolute range of the multimedia stream and displaying the absolute range of the multimedia stream as the entire range of the multimedia stream, if a range is designated by the user (figs 6 and 7; col. 7, lines 16-19; col. 10, lines 48-62).

Per claim 2, Ubillos teaches a method of claim 1, further comprising: displaying a starting frame of the range designated by the user (figs 6 and 7; col. 10, lines 48-54; starting frame: “in” point); and displaying an ending frame of the range designated by the user (figs. 6 and 7; col. 10, lines 48-54; ending frame: “out” point).

Per claim 3, Ubillos teaches a method of claim 1, wherein in (a), displaying the entire range of the multiple stream in a first level of a multiple level display of the multimedia stream (figs 2-3 and 5; col. 6, lines 63-67; col. 7, lines 1-11); and in (b), displaying the absolute range of the multimedia stream in a second level of the multiple level display (figs. 6 and 7; col. 7, lines 16-19 and lines 44-49; col. 10, lines 48-54).

Per claim 4, Ubillos teaches a method of claim 3, wherein (a) further comprises: displaying a starting frame of a designated range if a range is designated by the user (figs 6 and 7; col. 10, lines 48-54; starting frame: “in” point); and displaying an ending frame of said designated range (figs 6 and 7; col. 10, lines 48-54; ending frame: “out” point).

Per claim 5, Ubillos teaches a method of claim 3, further comprising repeating (b) and displaying each absolute range of the multimedia stream in a different level of the multiple level display (col. 7, lines 16-19 and lines 44-49).

Per claim 6, Ubillos teaches a method of claim 5, wherein (b) further comprises: displaying a starting frame of a range designated from each absolute range of the multimedia in each corresponding level of the multiple level display, if a range is designated by the user from an absolute range of the multimedia (figs 6 and 7; col. 10, lines 48-54; starting frame: “in” point); and displaying an ending frame of said range designated from each absolute range of the multimedia in each corresponding level of the multiple level display (figs 6 and 7; col. 10, lines 48-54; ending frame: “out” point).

Per claim 7, Ubillos teaches a method of claim 6, further comprising manipulating a slider bar to view each level of the multiple level display (fig 3; the scroll bar at bottom of the figure enables a user to view information on the display).

Per claim 8, Ubillos teaches a method of claim 5, further comprising manipulating a slider bar to view each level of the multiple level display (fig 3; the scroll bar at bottom of the figure enables a user to view information on the display).

Per claim 9, Ubillos teaches a multi-level position/range designating method for a multimedia stream comprising:

(a) displaying a first level of a multiple level display including an entire range of a multimedia stream represented by a first slider bar (figs 2-3 and 6-7; col. 6, lines 63-67; col. 7, lines 1-11; col. 10, lines 48-54; a user is able to slide either the right edge or left edge of the clip along the track. Thus, each track is considered to be a slider bar);

(b) setting a range designated by a user from a range of the multimedia stream displayed in a previous level of the multiple level display as an absolute range of the multimedia stream, and displaying a kth level of the multiple level display including the absolute range of the multimedia stream represented by a kth slider bar, if a range is designated by the user from the previous level (figs 2, 6 and 7; col. 7, lines 16-19 and lines 44-49; col. 10, lines 48-62; a user is able to slide either the right edge or left edge of the clip along the track. Thus, each track is considered to be a slider bar); and

(c) repeating (b) (figs 2, 6 and 7; col. 7, lines 16-19 and 44-49; col. 10, lines 48-62).

Per claim 10, Ubillos teaches a method of claim 9, further comprising: displaying, for each level, a starting frame of a designated range if a range is designated by the user (figs 6 and 7; col. 10, lines 48-54; starting frame: "in" point); and displaying, for each level, an ending frame of said designated range (figs 6 and 7; col. 10, lines 48-54; ending frame: "out" point).

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Per claim 11, Ubillos teaches a method of claim 10, further comprising manipulating a window slider bar to view each kth level of the multiple level display (figs 6 and 7; col. 10, lines 48-62; col. 11, lines 16-24).

Per claim 12, Ubillos teaches a method of claim 9, further comprising manipulating a window slider bar to view each of the kth level of the multiple level display (figs 6 and 7; col. 10, lines 48-62; col. 11, lines 16-24).

Per claim 13, Ubillos teaches a method of claim 12, wherein the first slider bar and each of the kth slider bar has the same length (figs 2 and 3; each track has the same length).

Per claim 14, Ubillos teaches a multi-level position/range designating method for a multimedia stream comprising:

(a) displaying a first level of a multiple level display including an entire range of the multimedia stream in a first window (figs 2-3 and 5; col. 6, lines 63-67; col. 7, lines 1-11; the first track is considered as the first window); and

(b) displaying subsequent levels of the multiple level display including varying ranges of the multimedia stream in a second window (figs 6 and 7; col. 7, lines 16-19 and lines 44-49; col. 10, lines 48-62; the tracks below the first track are considered as tracks of the second window).

Per claim 15, Ubillos teaches a method of claim 14, further comprising: displaying, for each level, a starting frame of a designated range if a range is designated by the user (figs 6 and 7; col. 10, lines 48-54; starting frame: "in" point); and displaying, for each level, an ending frame of said designated range (figs 6 and 7; col. 10, lines 48-54; ending frame: "out" point).

Per claim 16, Ubillos teaches a method of claim 15, further comprising manipulating a window slider bar in the second window to view each nth level of the multiple level display (fig 3; fig 3; the scroll bar at bottom of the figure enables a user to view information on the display).

Per claim 17, Ubillos teaches a method of claim 14, further comprising manipulating a window slider bar in the second window to view each nth level of the multiple level display (fig 3; fig 3; the scroll bar at bottom of the figure enables a user to view information on the display).

Per claim 20, Ubillos teaches a method of claim 1, wherein in (b) the designated range is a continuous subset of the displayed entire range of the multimedia stream in (a) (fig. 3 and 6-7; col. 6, lines 63-67; col. 7, lines 46-49; col. 10, lines 48-62).

Per claim 21, Ubillos teaches the method of claim 14, wherein all levels are displayed in the same absolute range, and wherein each subsequent level represents a continuous subset of data from the multimedia stream of a previous level (fig. 3 and 6-7; col. 6, lines 63-67; col. 7, lines 46-49; col. 10, lines 48-62; it is inherent that a user can display the same video clip in all four tracks (A, FX, B and "Super") and adjust the clip in each track to have the same absolute range).

Per claim 24, Ubillos teaches a multi-level position/range designating method for a multimedia stream comprising:

(a) displaying a first range of a multimedia stream in a prescribed range of a display (figs 2-3 and 5; col. 6, lines 63-67; col. 7, lines 1-11);

(b) selecting a second reduced range from within the first range of the multimedia steam displayed in the prescribed range (figs 6 and 7; col. 7, lines 16-19; col. 10, lines 48-62); and



(c) displaying the selected second reduced range of the multimedia stream as the prescribed range (fig. 3; col. 7, lines 46-49).

Per claim 25, Ubillos teaches the method of claim 24, wherein the second reduced range is a continuous subset of data from the multimedia stream of the first range, and wherein the first and second ranges are displayed in first and second levels of a multiple-level display (fig. 3 and 6-7; col. 6, lines 63-67; col. 7, lines 46-49; col. 10, lines 48-62).

Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ratakonda (U.S. Pat. No. 5,956,026).

Per claim 22, Ratakonda teaches a multi-level/ range designating method for a multimedia stream comprising a multiple level representation of a multimedia stream, wherein each level displays a more detailed but shorter range of the multimedia stream to achieve a refined range designation using more detailed views and a continuous subset of data from a previous level of the multimedia stream, and wherein said each level is displayed with the same absolute range (col. 3, lines 30-45).

Per claim 23, Ratakonda teaches the method of claim 22, wherein an expansion ratio between levels of the multiple level representation is different and user selected (col. 3, lines 54-62; col. 5, lines 27-32 and lines 39-42).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos (U.S. Pat. No. 5,999,173) in view of Foreman et al. ("Foreman", U.S. Pat. No. 6,469,711).

Per claim 18, Ubillos teaches the method of claim 17, but does not teach the window slider bar is positioned at the right side of the second window. However, Foreman teaches the window slider bar is positioned at the right side of the second window (fig. 5; col. 7, lines 50-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Foreman in the invention of Ubillos in order to enable a user to scroll through different tracks in the construction window.

Per claim 19, Ubillos teaches a method of claim 18, wherein the window slider bar is positioned at another location of the second window (fig. 3; the slider bar at bottom of the figure).

### ***Response to Arguments***

Applicants' arguments in the Amendment A have been fully considered but are not persuasive.

Applicant's primary argument regarding Ubillos's reference is that Ubillos fails to disclose a multi-level position/range designating method for a multimedia stream comprising displaying an entire range of a multimedia stream and setting a range designated by a user from the displayed entire range of the multimedia stream as an absolute range of the multimedia stream and displaying the absolute range of the multimedia stream as the entire range of the

multimedia stream, if a range is designated by the user. The examiner does not agree because Ubillos clearly teach a multi-level position/range designating method for a multimedia stream comprising displaying an entire range of a multimedia stream (figs 2-3 and 5; col. 6, lines 63-67; col. 7, lines 1-11) and setting a range designated by a user from the displayed entire range of the multimedia stream as an absolute range of the multimedia stream and displaying the absolute range of the multimedia stream as the entire range of the multimedia stream, if a range is designated by the user (figs 6 and 7; col. 7, lines 16-19; col. 10, lines 48-62). It appears that the applicant wants to claim the invention according to the discloser in the specification, which all levels of the multimedia stream are displayed at the same time. However, the claim language does not reflect that.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T. Vu

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